

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case  <b>NOTICE OF APPEAL</b>
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*This document relates to:*

*All Cases Comprising 03-MDL-1570*

**NOTICE OF APPEAL**

NOTICE is hereby given that Cozen O'Connor P.C.; Sidley Austin LLP; Ellis George Cipollone O'Brien LLP; and Plaintiffs Federal Insurance Company; Pacific Indemnity Insurance Company; Chubb Custom Insurance Company; Chubb Indemnity Insurance Company; Chubb Insurance Company of Canada; Chubb Insurance Company of New Jersey; Great Northern Insurance Company; Vigilant Insurance Company; One Beacon Insurance Company; One Beacon America Insurance Company; American Employers' Insurance Company; The Camden Fire Insurance Association; Homeland Insurance Company of New York; American Alternative Insurance Corporation; Great Lakes Reinsurance U.K. PLC; The Princeton Excess and Surplus Lines Insurance Company; Hiscox Dedicated Corporate Member, Ltd.; Allstate Insurance Company; Boston Old Colony Insurance Company; Continental Insurance Company; Commercial Insurance Company of Newark, NJ; CNA Casualty of California; Continental Insurance Company of New Jersey; Fidelity and Casualty Company of New York; Glens Falls Insurance Company; National Ben Franklin Insurance Company of Illinois; ACE American Insurance Company; ACE Capital V Ltd for itself and as representative of all subscribing underwriters for ACE Global Markets Syndicate 2488; ACE Bermuda Insurance Ltd; ACE INA

Insurance Company of Canada; ACE Indemnity Insurance Company; ACE Insurance SA-NV; ACE Property & Casualty Insurance Company; Atlantic Employers Insurance Company; Bankers Standard Insurance Company; Indemnity Insurance Company of North America; Insurance Company of North America; Westchester Fire Insurance Company; Westchester Surplus Lines Insurance Company; TIG Insurance Company; Pacific Employers Insurance Company; Woburn Insurance Ltd.; AXA Corporate Solutions Assurance; AXA Corporate Solutions Insurance Company; AXA Corporate Solutions Assurance UK Branch; AXA Corporate Solutions Assurance (Canada); AXA RE Asia Pacific Pte. Limited; AXA RE; AXA RE Canadian Branch; AXA RE UK Plc.; AXA Corporate Solutions Reinsurance Company; AXA Art Insurance Corporation; SPS Reassurance; AXA Re Madeira Branch; Compagnie Generale de Reinsurance de Monte Carlo; AXA Versicherung AG; AXA Cessions; AXA Global Risks UK Ltd.; Underwriting Members of Lloyd's Syndicates 2, 53, 55, 205, 228, 271, 376, 510, 529, 535, 557, 588, 672, 807, 861, 991, 1003, 1121, 1209, 1236, 1243, 1308, 2003, 2008, and 2020; Marlon Insurance Company; Copenhagen Reinsurance Company (U.K.) Limited; UnionAmerica Insurance Company Limited; SCOR Global P&C SE; SCOR UK Company Limited; SCOR Reinsurance Asia-Pacific Pte Limited; SCOR Reinsurance Company (Asia) Limited; SCOR Reinsurance Company; General Security National Insurance Company; General Security Indemnity Company of Arizona; SCOR Canada Reinsurance Company; Liberty Mutual Insurance Company; American Economy Insurance Company; American Fire & Casualty Company; Employers Insurance Company of Wausau; Excelsior Insurance Company; The First Liberty Insurance Corporation; General Insurance Company of America; Indiana Insurance Company; Liberty Insurance Corporation; Liberty Insurance Underwriters, Inc.; Liberty Life Assurance Company of Boston; Liberty Lloyds of Texas Insurance Company; Liberty Mutual

Fire Insurance Company; LM Insurance Corporation; LM Property and Casualty Insurance Company; Liberty Managing Agency Limited for and on behalf of the Lloyd's Underwriting Members from time to time of Lloyd's Syndicates 4472, 190, and 282; Liberty Mutual Insurance Europe Limited; The Midwestern Indemnity Company; The Netherlands Insurance Company; The Ohio Casualty Insurance Company; Peerless Insurance Company; Safeco Insurance Company of America; Wausau Business Insurance Company; Wausau Underwriters Insurance Company; West American Insurance Company; American Safety Indemnity Company; American Safety Casualty Insurance Company; Odyssey Reinsurance Company; QBE Insurance (International) Ltd.; Muenchener Rueckversicherungs-Gesellschaft Aktiengesellschaft in Muenchen; New Reinsurance Company, Ltd.; AIG Specialty Insurance Company; Chartis Excess Limited; AIU Insurance Company; American Home Assurance Company; AIG Insurance Company – Puerto Rico; AIG Insurance Company of Canada; AIG Assurance Company; AIG Property Casualty Company; Commerce and Industry Insurance Company; Granite State Insurance Company; Illinois National Insurance Company; The Insurance Company of the State of Pennsylvania; Lexington Insurance Company; National Union Fire Insurance Company of Pittsburgh, PA; New Hampshire Insurance Company; and Württembergische Versicherung AG hereby appeal to the United States Court of Appeals for the Second Circuit from the final order entered on December 12, 2023, a copy of which is attached as **Exhibit A**, “dismiss[ing] with prejudice” the *Havlish* Plaintiffs’ Renewed Motion for an Order Creating a Common Benefit Fund and Authorizing Certain Disbursements Therefrom (MDL Dkt. No. 4239 & 4291) (the “Motion”) as against Motley Rice LLC, Kreindler & Kreindler LLP, Speiser Krause, PC, and Anderson Kill PC and their clients, and from each and every opinion and order relating to the underlying Motion, including, without limitation, the opinions and orders issued on September

30, 2019; September 30, 2020; and August 31, 2023, copies of which are attached as **Exhibits B**, **C**, and **D**, respectively.

Dated: January 11, 2024

Respectfully submitted,

COZEN O'CONNOR

/s/ Sean P. Carter

Sean P. Carter, Esq.

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*Attorneys for Plaintiffs/Appellees*

**CERTIFICATE OF SERVICE**

I, Coleen Dougherty Williams, do hereby certify that I am over 18 years of age, am not a party to the instant action, and that a true and correct copy of this Notice of Appeal was served on all counsel of record via the Court's Electronic Case Filing ("ECF") system on this 11<sup>th</sup> day of January, 2024.

By: /s/ Coleen D. Williams  
Coleen Dougherty Williams, Paralegal  
Cozen O'Connor  
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1650 Market Street, 28<sup>th</sup> Floor  
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## RIDER TO NOTICE OF APPEAL

The attached is provided for the Court's convenience

United States District Court for the Southern District of New York  
*In Re Terrorist Attacks on September 11, 2001*  
03 MD 1570

Notice of Appeal  
Alphabetical List of Party Filers

Cozen O'Connor P.C.  
Ellis George Cipollone O'Brien LLP  
Sidley Austin LLP

ACE American Insurance Company  
ACE Bermuda Insurance Ltd  
ACE Capital V Ltd for itself and as  
representative of all subscribing  
underwriters for ACE Global Markets  
Syndicate 2488  
ACE INA Insurance Company of Canada  
ACE Indemnity Insurance Company  
ACE Insurance SA-NV  
ACE Property & Casualty Insurance  
Company  
AIG Assurance Company  
AIG Insurance Company – Puerto Rico  
AIG Insurance Company of Canada  
AIG Property Casualty Company  
AIG Specialty Insurance Company  
AIU Insurance Company  
Allstate Insurance Company  
American Alternative Insurance Corporation  
American Economy Insurance Company  
American Employers' Insurance Company  
American Fire & Casualty Company  
American Home Assurance Company  
American Safety Casualty Insurance  
Company  
American Safety Indemnity Company  
Atlantic Employers Insurance Company  
AXA Art Insurance Corporation  
AXA Cessions  
AXA Corporate Solutions Assurance  
AXA Corporate Solutions Assurance  
(Canada)  
AXA Corporate Solutions Assurance UK  
Branch  
AXA Corporate Solutions Insurance  
Company

AXA Corporate Solutions Reinsurance  
Company  
AXA Global Risks UK Ltd.  
AXA RE  
AXA RE Asia Pacific Pte. Limited  
AXA RE Canadian Branch  
AXA Re Madeira Branch  
AXA RE UK Plc.  
AXA Versicherung AG  
Bankers Standard Insurance Company  
Boston Old Colony Insurance Company  
Chartis Excess Limited  
Chubb Custom Insurance Company  
Chubb Indemnity Insurance Company  
Chubb Insurance Company of Canada  
Chubb Insurance Company of New Jersey  
CNA Casualty of California  
Commerce and Industry Insurance Company  
Commercial Insurance Company of Newark,  
NJ  
Compagnie Generale de Reinsurance de  
Monte Carlo  
Continental Insurance Company  
Continental Insurance Company of New  
Jersey  
Copenhagen Reinsurance Company (U.K.)  
Limited  
Employers Insurance Company of Wausau  
Excelsior Insurance Company  
Federal Insurance Company  
Fidelity and Casualty Company of New  
York  
General Insurance Company of America  
General Security Indemnity Company of  
Arizona  
General Security National Insurance  
Company  
Glens Falls Insurance Company  
Granite State Insurance Company  
Great Lakes Reinsurance U.K. PLC

Great Northern Insurance Company  
Hiscox Dedicated Corporate Member, Ltd.  
Homeland Insurance Company of New York  
Illinois National Insurance Company  
Indemnity Insurance Company of North America  
Indiana Insurance Company  
Insurance Company of North America  
Lexington Insurance Company  
Liberty Insurance Corporation  
Liberty Insurance Underwriters, Inc.  
Liberty Life Assurance Company of Boston  
Liberty Lloyds of Texas Insurance Company  
Liberty Managing Agency Limited for and on behalf of the Lloyd's Underwriting Members from time to time of Lloyd's Syndicates 4472, 190, and 282  
Liberty Mutual Fire Insurance Company  
Liberty Mutual Insurance Company  
Liberty Mutual Insurance Europe Limited  
LM Insurance Corporation  
LM Property and Casualty Insurance Company  
Marlon Insurance Company  
Muenchener Rueckversicherungs-Gesellschaft Aktiengesellschaft in Muenchen  
National Ben Franklin Insurance Company of Illinois  
National Union Fire Insurance Company of Pittsburgh, PA  
New Hampshire Insurance Company  
New Reinsurance Company, Ltd  
Odyssey Reinsurance Company  
One Beacon America Insurance Company  
One Beacon Insurance Company  
Pacific Employers Insurance Company  
Pacific Indemnity Insurance Company  
Peerless Insurance Company  
QBE Insurance (International) Ltd.  
Safeco Insurance Company of America  
SCOR Canada Reinsurance Company  
SCOR Global P&C SE  
SCOR Reinsurance Asia-Pacific Pte Limited  
SCOR Reinsurance Company

SCOR Reinsurance Company (Asia) Limited  
SCOR UK Company Limited  
SPS Reassurance  
The Camden Fire Insurance Association  
The First Liberty Insurance Corporation  
The Insurance Company of the State of Pennsylvania  
The Midwestern Indemnity Company  
The Netherlands Insurance Company  
The Ohio Casualty Insurance Company  
The Princeton Excess and Surplus Lines Insurance Company  
TIG Insurance Company  
Underwriting Members of Lloyd's Syndicates 2, 53, 55, 205, 228, 271, 376, 510, 529, 535, 557, 588, 672, 807, 861, 991, 1003, 1121, 1209, 1236, 1243, 1308, 2003, 2008, and 2020  
UnionAmerica Insurance Company Limited  
Vigilant Insurance Company  
Wausau Business Insurance Company  
Wausau Underwriters Insurance Company  
West American Insurance Company  
Westchester Fire Insurance Company  
Westchester Surplus Lines Insurance Company  
Woburn Insurance Ltd.  
Württembergische Versicherung AG